

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

McHenry County and Kankakee Co)	
)	
Plaintiff(s),)	
)	
v.)	Case No. 21-CV-50341
)	Magistrate Judge Lisa A. Jensen
)	
Kwame Raoul)	
)	
Defendant(s).)	

JOINT INITIAL STATUS REPORT

The parties submit this joint initial status report in advance of the initial status hearing set for Not set at this time .

All parties who have appeared shall join in the filing of this initial status report. An initial status report must still be filed even if filed unilaterally.

1. Nature of the Case Including Legal Issues, Factual Issues, and Affirmative Defenses.

For claims by or against only some parties, identify which.

McHenry County and Kankakee County ("Plaintiffs") filed this lawsuit against the Illinois Attorney General Kwame Raoul challenging the constitutionality of sections 15 and 30 (b) of the Illinois Way Forward Act (805 ILCS 5/15(g)(1), (2), (30)(b)) ("Act"). The Plaintiffs' Complaint (Dkt. 7) asserts two legal claims: federal intergovernmental immunity and preemption. Plaintiffs have filed a motion for preliminary injunction (Dkt 9, 10) to enjoin enforcement of Section 15(g) of the Way Forward Act while the underlying claim is being litigated. The Defendant moved to dismiss the Complaint for failure to state a claim upon which relief can be granted, arguing that the intergovernmental immunity doctrine is inapplicable and the Act is not preempted by federal law.

2. Parties and Service

Identify each individual plaintiff:

McHenry County

Kankakee County

Identify each individual defendant and the status of service. If more space is needed, attach additional pages to the end of this report.

Defendant	Date Served	Date Appeared	Answer Due or Date Answered
Illinois Attorney General K. Raoul	9/20/2021	10/6/2021	10/18/2021

For each defendant not served, describe the efforts to serve that defendant. If more space is needed, attach additional pages to the end of this report.

Defendant	Efforts to Serve
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List any potential party the defendant(s) may seek to add as a third-party defendant.

Third-Party Defendant	Basis of Liability
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3. Status of Settlement Discussions and the Potential for Settlement

Because of the constitutional questions raised in the Complaint, the parties believe that settlement is not likely. To date, the parties have not had any settlement discussions.

4. Identify any Parallel Cases (including but not limited to possible MDL litigation, underlying criminal proceedings, or related litigation).

Case Name	Case #	Court	Nature of Proceeding
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5. Identify all Pending or Anticipated Motions

Motion (including docket number if already filed)	Date Filed or Anticipated
Dkts. 9, 10 Plaintiffs' Motion/Memo for a Preliminary Injunction	9/30/21
Dkts. 23, 24 Defendant's Motion/Memo to Dismiss	10/18/21
Dkt. 22 Defendant's Motion to Strike References to 30(b)	10/18/21

6. Discovery

During the initial status hearing the Court will likely set a deadline for submitting a proposed case management order at a later date. To help guide that discussion, the parties shall provide their best estimates formed after reasonable investigation and inquiry of the amount and scope of discovery in response to the following questions:

The plaintiff(s) anticipate(s) taking about ¹⁰ depositions of fact witnesses.

For claims involving medical conditions, the plaintiff has about treaters who are either (check one) ☐ all located in or near the Rockford/Chicago areas, or ☐ includes treaters located outside the Rockford and Chicago areas such as .

The plaintiff(s) (check one) ☐ anticipate(s) using about retained expert witnesses, or ☒ do(es) not anticipate retaining expert witnesses.

The defendant(s) anticipate(s) taking about ¹⁰ depositions of fact witnesses. That number does not include any of the depositions the plaintiff(s) anticipate(s).

The defendant(s) (check one) ☐ anticipate(s) using about retained expert witnesses, or ☒ do(es) not anticipate retaining expert witnesses.

The parties anticipate that fact discovery (which includes treating physician depositions) will take about ⁸ months.

7. Consent to the Magistrate Judge

(Must check one)

- ☐ All parties have appeared and will file a written consent to proceed before the Magistrate Judge for all purposes.
- ☒ Not all parties will consent to proceed before the Magistrate Judge.

PLAINTIFF(S)

McHenry and Kankakee Counties

DEFENDANT(S)

Illinois Attorney General Kwame Raoul

By:

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Rev. 4/19/2019